
HOUSE BILL 3210

State of Washington

61st Legislature

2010 Regular Session

By Representatives Walsh and Armstrong

1 AN ACT Relating to delaying the implementation dates for long-term
2 care worker training and certification; and amending RCW 74.39A.073,
3 74.39A.075, 74.39A.085, 74.39A.340, 18.88B.020, 18.88B.040, 18.88B.050,
4 and 18.88A.115.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 74.39A.073 and 2009 c 580 s 10 are each amended to
7 read as follows:

8 (1) Effective (~~January~~) July 1, 2011, except as provided in RCW
9 18.88B.040, all persons employed as long-term care workers for the
10 elderly or persons with disabilities must meet the minimum training
11 requirements in this section within one hundred twenty calendar days of
12 employment.

13 (2) All persons employed as long-term care workers must obtain
14 seventy-five hours of entry-level training approved by the department.
15 A long-term care worker must accomplish five of these seventy-five
16 hours before becoming eligible to provide care.

17 (3) Training required by subsection (4)(c) of this section will be
18 applied towards training required under RCW 18.20.270 or 70.128.230 as

1 well as any statutory or regulatory training requirements for long-term
2 care workers employed by supportive living providers.

3 (4) Only training curriculum approved by the department may be used
4 to fulfill the training requirements specified in this section. The
5 seventy-five hours of entry-level training required shall be as
6 follows:

7 (a) Before a long-term care worker is eligible to provide care, he
8 or she must complete two hours of orientation training regarding his or
9 her role as caregiver and the applicable terms of employment;

10 (b) Before a long-term care worker is eligible to provide care, he
11 or she must complete three hours of safety training, including basic
12 safety precautions, emergency procedures, and infection control; and

13 (c) All long-term care workers must complete seventy hours of
14 long-term care basic training, including training related to core
15 competencies and population specific competencies.

16 (5) The department shall only approve training curriculum that:

17 (a) Has been developed with input from consumer and worker
18 representatives; and

19 (b) Requires comprehensive instruction by qualified instructors on
20 the competencies and training topics in this section.

21 (6) Individual providers under RCW 74.39A.270 shall be compensated
22 for training time required by this section.

23 (7) The department of health shall adopt rules by (~~August 1,~~
24 ~~2010~~) January 1, 2011, to implement subsections (1), (2), and (3) of
25 this section.

26 (8) The department shall adopt rules by (~~August 1, 2010~~) January
27 1, 2011, to implement subsections (4) and (5) of this section.

28 **Sec. 2.** RCW 74.39A.075 and 2009 c 580 s 11 are each amended to
29 read as follows:

30 (1) Effective (~~January~~) July 1, 2011, a biological, step, or
31 adoptive parent who is the individual provider only for his or her
32 developmentally disabled son or daughter must receive twelve hours of
33 training relevant to the needs of adults with developmental
34 disabilities within the first one hundred twenty days of becoming an
35 individual provider.

36 (2) Effective (~~January~~) July 1, 2011, individual providers
37 identified in (a) and (b) of this subsection must complete thirty-five

1 hours of training within the first one hundred twenty days of becoming
2 an individual provider. Five of the thirty-five hours must be
3 completed before becoming eligible to provide care. Two of these five
4 hours shall be devoted to an orientation training regarding an
5 individual provider's role as caregiver and the applicable terms of
6 employment, and three hours shall be devoted to safety training,
7 including basic safety precautions, emergency procedures, and infection
8 control. Individual providers subject to this requirement include:

9 (a) An individual provider caring only for his or her biological,
10 step, or adoptive child or parent unless covered by subsection (1) of
11 this section; and

12 (b) Before January 1, 2014, a person hired as an individual
13 provider who provides twenty hours or less of care for one person in
14 any calendar month.

15 (3) Only training curriculum approved by the department may be used
16 to fulfill the training requirements specified in this section. The
17 department shall only approve training curriculum that:

18 (a) Has been developed with input from consumer and worker
19 representatives; and

20 (b) Requires comprehensive instruction by qualified instructors.

21 (4) The department shall adopt rules by (~~August 1, 2010~~) January
22 1, 2011, to implement this section.

23 **Sec. 3.** RCW 74.39A.085 and 2009 c 580 s 14 are each amended to
24 read as follows:

25 (1) The department shall deny payment to any individual provider of
26 home care services who has not been certified by the department of
27 health as a home care aide as required under chapter (~~2, Laws of~~
28 ~~2009~~) 18.88B RCW or, if exempted from certification by RCW 18.88B.040,
29 has not completed his or her required training pursuant to (~~chapter 2,~~
30 ~~Laws of 2009~~) RCW 74.39A.075.

31 (2) The department may terminate the contract of any individual
32 provider of home care services, or take any other enforcement measure
33 deemed appropriate by the department if the individual provider's
34 certification is revoked under chapter (~~2, Laws of 2009~~) 18.88B RCW
35 or, if exempted from certification by RCW 18.88B.040, has not completed
36 his or her required training pursuant to (~~chapter 2, Laws of 2009~~)
37 RCW 74.39A.075.

1 (3) The department shall take appropriate enforcement action
2 related to the contract of a private agency or facility licensed by the
3 state, to provide personal care services, other than an individual
4 provider, who knowingly employs a long-term care worker who is not a
5 certified home care aide as required under chapter ((2, Laws of 2009))
6 18.88B RCW or, if exempted from certification by RCW 18.88B.040, has
7 not completed his or her required training pursuant to ((chapter 2,
8 ~~Laws of 2009~~)) RCW 74.39A.075.

9 (4) Chapter 34.05 RCW shall govern actions by the department under
10 this section.

11 (5) The department shall adopt rules by ((August 1, 2010)) January
12 1, 2011, to implement this section.

13 **Sec. 4.** RCW 74.39A.340 and 2009 c 580 s 12 are each amended to
14 read as follows:

15 (1) The department of health shall ensure that all long-term care
16 workers shall complete twelve hours of continuing education training in
17 advanced training topics each year. This requirement applies beginning
18 on ((July 1, 2011)) January 1, 2012.

19 (2) Completion of continuing education as required in this section
20 is a prerequisite to maintaining home care aide certification under
21 chapter ((2, Laws of 2009)) 18.88B RCW.

22 (3) Unless voluntarily certified as a home care aide under chapter
23 ((2, Laws of 2009)) 18.88B RCW, subsection (1) of this section does not
24 apply to:

25 (a) An individual provider caring only for his or her biological,
26 step, or adoptive child; and

27 (b) Before June 30, 2014, a person hired as an individual provider
28 who provides twenty hours or less of care for one person in any
29 calendar month.

30 (4) Only training curriculum approved by the department may be used
31 to fulfill the training requirements specified in this section. The
32 department shall only approve training curriculum that:

33 (a) Has been developed with input from consumer and worker
34 representatives; and

35 (b) Requires comprehensive instruction by qualified instructors.

36 (5) Individual providers under RCW 74.39A.270 shall be compensated
37 for training time required by this section.

1 (6) The department of health shall adopt rules by (~~August 1,~~
2 ~~2010~~) January 1, 2011, to implement subsections (1), (2), and (3) of
3 this section.

4 (7) The department shall adopt rules by (~~August 1, 2010~~) January
5 1, 2011, to implement subsection (4) of this section.

6 **Sec. 5.** RCW 18.88B.020 and 2009 c 580 s 18 are each amended to
7 read as follows:

8 (1) Effective (~~January~~) July 1, 2011, except as provided in RCW
9 18.88B.040, the department of health shall require that any person
10 hired as a long-term care worker for the elderly or persons with
11 disabilities must be certified as a home care aide within one hundred
12 fifty days from the date of being hired.

13 (2) Except as provided in RCW 18.88B.040, certification as a home
14 care aide requires both completion of seventy-five hours of training
15 and successful completion of a certification examination pursuant to
16 RCW 74.39A.073 and 18.88B.030.

17 (3) No person may practice or, by use of any title or description,
18 represent himself or herself as a certified home care aide without
19 being certified pursuant to this chapter.

20 (4) The department of health shall adopt rules by (~~August 1,~~
21 ~~2010~~) January 1, 2011, to implement this section.

22 **Sec. 6.** RCW 18.88B.040 and 2009 c 580 s 15 are each amended to
23 read as follows:

24 The following long-term care workers are not required to become a
25 certified home care aide pursuant to this chapter.

26 (1) Registered nurses, licensed practical nurses, certified nursing
27 assistants, medicare-certified home health aides, or other persons who
28 hold a similar health credential, as determined by the secretary of
29 health, or persons with special education training and an endorsement
30 granted by the superintendent of public instruction, as described in
31 RCW 28A.300.010, if the secretary of health determines that the
32 circumstances do not require certification. Individuals exempted by
33 this subsection may obtain certification as a home care aide from the
34 department of health without fulfilling the training requirements in
35 RCW 74.39A.073 but must successfully complete a certification
36 examination pursuant to RCW 18.88B.030.

1 (2) A person already employed as a long-term care worker prior to
2 ((January)) July 1, 2011, who completes all of his or her training
3 requirements in effect as of the date he or she was hired, is not
4 required to obtain certification. Individuals exempted by this
5 subsection may obtain certification as a home care aide from the
6 department of health without fulfilling the training requirements in
7 RCW 74.39A.073 but must successfully complete a certification
8 examination pursuant to RCW 18.88B.030.

9 (3) All long-term care workers employed by supported living
10 providers are not required to obtain certification under this chapter.

11 (4) An individual provider caring only for his or her biological,
12 step, or adoptive child or parent is not required to obtain
13 certification under this chapter.

14 (5) Prior to June 30, 2014, a person hired as an individual
15 provider who provides twenty hours or less of care for one person in
16 any calendar month is not required to obtain certification under this
17 chapter.

18 (6) A long-term care worker exempted by this section from the
19 training requirements contained in RCW 74.39A.073 may not be prohibited
20 from enrolling in training pursuant to that section.

21 (7) The department of health shall adopt rules by ((August 1,
22 2010)) January 1, 2011, to implement this section.

23 **Sec. 7.** RCW 18.88B.050 and 2009 c 580 s 17 are each amended to
24 read as follows:

25 (1) The uniform disciplinary act, chapter 18.130 RCW, governs
26 uncertified practice, issuance of certificates, and the discipline of
27 persons with certificates under this chapter. The secretary of health
28 shall be the disciplinary authority under this chapter.

29 (2) The secretary of health may take action to immediately suspend
30 the certification of a long-term care worker upon finding that conduct
31 of the long-term care worker has caused or presents an imminent threat
32 of harm to a functionally disabled person in his or her care.

33 (3) If the secretary of health imposes suspension or conditions for
34 continuation of certification, the suspension or conditions for
35 continuation are effective immediately upon notice and shall continue
36 in effect pending the outcome of any hearing.

1 (4) The department of health shall take appropriate enforcement
2 action related to the licensure of a private agency or facility
3 licensed by the state, to provide personal care services, other than an
4 individual provider, who knowingly employs a long-term care worker who
5 is not a certified home care aide as required under this chapter or, if
6 exempted from certification by RCW 18.88B.040, has not completed his or
7 her required training pursuant to this chapter.

8 (5) Chapter 34.05 RCW shall govern actions by the department of
9 health under this section.

10 (6) The department of health shall adopt rules by (~~August 1,~~
11 ~~2010~~) January 1, 2011, to implement this section.

12 **Sec. 8.** RCW 18.88A.115 and 2009 c 580 s 16 are each amended to
13 read as follows:

14 By (~~August 1, 2010~~) January 1, 2011, the department of health
15 shall develop, in consultation with the nursing care quality assurance
16 commission and consumer and worker representatives, rules permitting
17 reciprocity to the maximum extent possible under federal law between
18 home care aide certification and nursing assistant certification.

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